

Exhibit

1

**U.S. Bankruptcy Court
Northern District of California (Santa Rosa)
Adversary Proceeding #: 06-01173**

Assigned to: Judge Alan Jaroslovsky

Date Filed: 11/17/06

Related BK Case: 05-14659

Related BK Title: The Legacy Estate Group LLC

Related BK Chapter: 11

Demand: \$7000000

Nature[s] of 13 Recovery of money/property - 548

Suit: fraudulent transfer

14 Recovery of money/property - other

81 Subordination of claim or interest

91 Declaratory judgment

Debtor

The Legacy Estate Group LLC
P.O. Box 410
St. Helena, CA 94574
Tax id: 94-3387985

represented by **John Walshe Murray**
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Plaintiff

**Official Committee of Unsecured
Creditors of Legacy Estate Group
LLC**
101 California Street
Suite 3900
San Francisco, CA 94111
415-591-1000

represented by **Brian Y. Lee**
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LEAD ATTORNEY
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V.

Defendant

John Bryan
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San Francisco, CA 94111

represented by **Beth L. Mitchell**
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Michael St. James
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LEAD ATTORNEY

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Roya Shakoori
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TERMINATED: 03/27/2007

Wendy W. Smith
(See above for address)
TERMINATED: 03/27/2007

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TERMINATED: 03/27/2007

Wendy W. Smith
(See above for address)
TERMINATED: 03/27/2007

represented by **Elmer Dean Martin**
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Canada
604 689 2646

represented by **Elmer Dean Martin**
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LEAD ATTORNEY

Richard H. Golubow
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Laminar Direct Capital, L.P.

represented by **Courtney Elyse Pozmantier**
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Cross-Claimant

John Bryan
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represented by **Beth L. Mitchell**
(See above for address)

Michael St. James
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J.M. Bryan Family Trust
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represented by **Beth L. Mitchell**
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Michael St. James
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John M. and Florence E. Bryan Trust
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represented by **Beth L. Mitchell**
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Michael St. James
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V.

Cross Defendant**Harry Chew**

1518-1030 W. Georgia Street
Vancouver, BC V6E 2Y3
Canada

represented by

Richard H. Golubow
(See above for address)

Pacific Paragon Investment Fund Ltd

1518-1030 W Georgia St
Vancouver BC V6E 2Y3
Canada
909 861 6700

represented by

Sean A. O'Keefe
(See above for address)

Devinder Sidhu

P.O. Box 401
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St. Helena, CA 94574

represented by **Devinder Sidhu**
PRO SE

Wendy W. Smith
(See above for address)
TERMINATED: 03/27/2007

Kulwinder S. Sidhu

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707-963-9694

represented by **Kulwinder S. Sidhu**
PRO SE

Wendy W. Smith
(See above for address)
TERMINATED: 03/27/2007

Filing Date	#	Docket Text
11/17/2006	<u>1</u>	Adversary case 06-01173. 13 (Recovery of money/property - 548 fraudulent transfer), 14 (Recovery of money/property - other). Complaint by Official Committee of Unsecured Creditors of Legacy Estate Group LLC against John Bryan, John M. and Florence E. Bryan Trust, J.M. Bryan Family Trust, Kulwinder S. Sidhu, Devinder Sidhu, Pacific Paragon Investment Fund Ltd, Harry Chew, AIC Capital Partners LLC. Fee Amount \$250. (Attachments: # <u>1</u> AP Cover Sheet # <u>2</u> Summons to be Issued) (Lee, Brian) (Entered: 11/17/2006)
11/17/2006		Receipt of filing fee for Complaint(06-01173) [cmp,cmp] (250.00). Receipt number 3777381, amount \$ 250.00 (U.S. Treasury) (Entered: 11/17/2006)

11/22/2006	<u>2</u>	Amended Complaint for Damages and Declaratory and Equitable Relief, Including Subordination of Certain Claims by Brian Y. Lee on behalf of Official Committee of Unsecured Creditors of Legacy Estate Group LLC against all defendants. (RE: related document(s) <u>1</u> Complaint, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC). (Attachments: # <u>1</u> Summons to be Issued) (Lee, Brian) (Entered: 11/22/2006)
11/22/2006	<u>3</u>	Summons Issued on AIC Capital Partners LLC Answer Due 12/22/2006; John Bryan Answer Due 12/22/2006; Harry Chew Answer Due 12/22/2006; J.M. Bryan Family Trust Answer Due 12/22/2006; John M. and Florence E. Bryan Trust Answer Due 12/22/2006; Pacific Paragon Investment Fund Ltd Answer Due 12/22/2006; Devinder Sidhu Answer Due 12/22/2006; Kulwinder S. Sidhu Answer Due 12/22/2006. Status Conference to be held on 1/29/2007 at 02:00 PM at Santa Rosa Courtroom - Jaroslovsky. (ds,) (Entered: 11/22/2006)
11/29/2006	<u>4</u>	Summons Service Executed on AIC Capital Partners LLC 11/27/2006; John Bryan 11/27/2006; Harry Chew 11/27/2006; J.M. Bryan Family Trust 11/27/2006; John M. and Florence E. Bryan Trust 11/27/2006; Pacific Paragon Investment Fund Ltd 11/27/2006; Devinder Sidhu 11/27/2006; Kulwinder S. Sidhu 11/27/2006 by Official Committee of Unsecured Creditors of the Legacy Estate Group, LLC. (Lee, Brian) (Entered: 11/29/2006)
12/20/2006	<u>5</u>	Stipulation <i>Stipulation and [Proposed] Order to Extend Time within which to Respond to Complaint</i> Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (RE: related document(s) <u>3</u> Summons Issued,,). (Attachments: # <u>1</u> Declaration Declaration of Glenn E. Westreich in Support of Stipulation and [Proposed] Order to Extend Time within which to Respond to Complaint) (Mitchell, Beth) (Document is a stipulation and certificate of service only.) Modified on 12/21/2006 (ds,). (Entered: 12/20/2006)
12/22/2006	<u>6</u>	Answer to Complaint ; <i>Answer of Harry Chew, Pacific Paragon Investment Fund Ltd. and AIC Capital Partners, LLC, to First Amended Complaint for Damages and Declaratory and Equitable Relief, Including Subordination of Certain Claims; and Demand for Jury Trial</i> Filed by AIC Capital Partners LLC, Harry Chew, Pacific Paragon Investment Fund Ltd. (Golubow, Richard) (Entered: 12/22/2006)
12/28/2006	<u>7</u>	Notice Regarding <i>Trial Date on Claims of Pacific Paragon Investment Fund Ltd.</i> (RE: related document(s) <u>2</u> Amended Complaint, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate

		Group LLC). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (Attachments: # <u>1</u> Certificate of Service) (Lee, Brian) (Registered participant used the wrong event code. Document to be amended and filed using the event code "Notice of Hearing".) Modified on 1/4/2007 (ds,). (Entered: 12/28/2006)
01/04/2007	<u>8</u>	First Amended Notice of Hearing (RE: related document(s) <u>7</u> Notice,, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC). Trial date set for 2/1/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (Attachments: # <u>1</u> Certificate of Service) (Lee, Brian) (Entered: 01/04/2007)
01/05/2007	<u>9</u>	Order Granting (RE: related document(s) <u>5</u> Stipulation Referring to Existing Document(s) to Extend Time Within Which to Respond to Complaint filed by Defendant John Bryan, Defendant J.M. Bryan Family Trust, Defendant John M. and Florence E. Bryan Trust). (ds,) (Entered: 01/05/2007)
01/05/2007	<u>10</u>	Answer to Complaint of <i>Official Committee of Unsecured Creditors of the Legacy Estate Group, LLC</i> , Crossclaim For <i>Fraudulent Misrepresentation, Negligent Misrepresentation and Damages</i> by John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust against Harry Chew, Pacific Paragon Investment Fund Ltd, Devinder Sidhu, Kulwinder S. Sidhu Filed by John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust. (Mitchell, Beth) (Entered: 01/05/2007)
01/08/2007	<u>11</u>	Alias Summons to be Issued on Laminar Direct Capital, L.P. (Re: related document(s) <u>10</u> Answer of Defendants John M. Bryan, John M. and Florence E. Bryan Trust, and J.M. Bryan Family Trust to Plaintiff's First Amended Complaint and Cross-Claim for <i>Fraudulent Misrepresentation, Negligent Misrepresentation and Damages</i> (RE: related document(s) <u>1</u> Complaint, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC). (Mitchell, Beth) (Entered: 01/08/2007)
01/10/2007	<u>12</u>	Cross-Claim Summons Issued on Laminar Direct Capital, L.P. Answer Due 2/9/2007. Scheduling Conference to be held on 3/26/2007 at 02:00 PM at Santa Rosa Courtroom - Jaroslovsky. (ds,) (Entered: 01/10/2007)
01/16/2007	<u>13</u>	Notice Regarding <i>ERRATA RE CROSS-CLAIM FOR FRAUDULENT MISREPRESENTATION, NEGLIGENT MISREPRESENTATION AND DAMAGES</i> Filed by Defendants John Bryan, J.M. Bryan Family Trust,

		John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust. (Mitchell, Beth) (Entered: 01/16/2007)
01/16/2007	<u>14</u>	Certificate of Service (RE: related document(s) <u>13</u> Notice,). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Entered: 01/16/2007)
01/18/2007	<u>15</u>	Certificate of Service <i>re Alias Summons and Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation, and Damages as to Cross-Defendant Laminar Direct Capital, L.P.</i> (RE: related document(s) <u>10</u> Answer to Complaint,, Crossclaim,). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth)(Registered Participant used wrong event code. Correct event code is Summons Service Executed.) Modified on 1/19/2007 (ds,). (Entered: 01/18/2007)
01/23/2007	<u>16</u>	Stipulation, Extend Time To Respond to Complaint Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC, Defendants Devinder Sidhu, Kulwinder S. Sidhu (RE: related document(s) <u>2</u> Amended Complaint, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC, <u>1</u> Complaint, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC). (Attachments: # <u>1</u> Declaration of Roya Shakoori# <u>2</u> Certificate of Service) (Shakoori, Roya) (Entered: 01/23/2007)
01/24/2007	<u>17</u>	Order Granting Stipulation to Extend Time Within Which To Respond to Complaint. (RE: related document(s) <u>16</u> Stipulation for Miscellaneous Relief, , filed by Cross Defendant Kulwinder S. Sidhu, Defendant Kulwinder S. Sidhu, Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC, Cross Defendant Devinder Sidhu, Defendant Devinder Sidhu). (kl,) (Entered: 01/24/2007)
01/30/2007	<u>18</u>	Certificate of Service <i>for Errata re Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages personally served on Cross-Defendant Laminar Direct Capital, L.P.</i> (RE: related document(s) <u>12</u> Summons Issued). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Document incorrectly linked.

		Court Staff has corrected to link this document to #13.) Modified on 1/31/2007 (ds,). (Entered: 01/30/2007)
01/30/2007	<u>19</u>	Motion to Dismiss Adversary Proceeding " <i>Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages</i> " Filed by Defendant Laminar Direct Capital, L.P.. (Pozmantier, Courtney) (Entered: 01/30/2007)
01/30/2007	<u>20</u>	Memorandum of Points and Authorities in Support of <i>Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages</i> (RE: related document(s) <u>19</u> Motion to Dismiss Adversary Proceeding). Filed by Defendant Laminar Direct Capital, L.P. (Pozmantier, Courtney) (Entered: 01/30/2007)
01/30/2007	<u>21</u>	Request To Take Judicial Notice <i>in Support of Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages</i> (RE: related document(s) <u>19</u> Motion to Dismiss Adversary Proceeding). Filed by Defendant Laminar Direct Capital, L.P. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2) (Pozmantier, Courtney) (Entered: 01/30/2007)
01/30/2007	<u>22</u>	Notice Regarding <i>Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages</i> (RE: related document(s) <u>19</u> Motion to Dismiss Adversary Proceeding filed by Defendant Laminar Direct Capital, L.P.). Filed by Defendant Laminar Direct Capital, L.P.. (Pozmantier, Courtney)(Registered Participant used the wrong event code. Document is a Notice of Hearing. Court Staff has corrected to set the hearing on the court's calendar.) Modified on 1/31/2007 (ds,). (Entered: 01/30/2007)
01/30/2007	<u>23</u>	Notice Regarding <i>Errata re Notice of Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages</i> (RE: related document(s) <u>22</u> Notice, filed by Defendant Laminar Direct Capital, L.P.). Filed by Defendant Laminar Direct Capital, L.P.. (Pozmantier, Courtney) (Registered Participant used the wrong event code. Document is an Amended Notice of Hearing. Court Staff has corrected to set the hearing on the court's calendar.) Modified on 1/31/2007 (ds,). (Entered: 01/30/2007)
01/30/2007	<u>24</u>	Certificate of Service (RE: related document(s) <u>19</u> Motion to Dismiss Adversary Proceeding, <u>20</u> Memo of Points & Authorities,, <u>22</u> Notice,, <u>21</u> Request To Take Judicial Notice,). Filed by Defendant Laminar Direct Capital, L.P. (Pozmantier, Courtney) (Entered: 01/30/2007)

01/30/2007	<u>25</u>	Certificate of Service <i>re Notice of Errata</i> (RE: related document(s) <u>23</u> Notice,). Filed by Defendant Laminar Direct Capital, L.P. (Pozmantier, Courtney) (Entered: 01/30/2007)
01/31/2007		Hearing Set On (RE: related document(s) <u>19</u> Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages). Hearing scheduled for 3/2/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. (ds,) (Entered: 01/31/2007)
02/08/2007	<u>26</u>	Stipulation, Extend Time Within Which to Respond to Cross-Claim Filed by Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Defendants Devinder Sidhu, Kulwinder S. Sidhu (RE: related document(s) <u>10</u> Answer to Complaint,, Crossclaim, filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). (Attachments: # <u>1</u> Declaration of Roya Shakoori# <u>2</u> Certificate of Service) (Shakoori, Roya) (Entered: 02/08/2007)
02/08/2007	<u>27</u>	Order Granting (RE: related document(s) <u>26</u> Stipulation to Extend Time Within Which to Respond to Cross-Claim, filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross Defendant Kulwinder S. Sidhu, Defendant Kulwinder S. Sidhu, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross Defendant Devinder Sidhu, Defendant Devinder Sidhu, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). (ds,) (Entered: 02/08/2007)
02/09/2007	<u>28</u>	Answer to Complaint (<i>First Amended</i>) Filed by Devinder Sidhu, Kulwinder S. Sidhu. (Attachments: # <u>1</u> Certificate of Service)(Smith, Wendy) (Entered: 02/09/2007)
02/10/2007	<u>29</u>	Ex Parte Motion <i>to Certify to District Court for Jury Trial</i> Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust. (Attachments: # <u>1</u> Certificate of Service) (St. James, Michael) (Entered: 02/10/2007)
02/13/2007	<u>30</u>	Motion to Shorten Time <i>for hearing on Certification Motion</i> Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (RE: related document(s) <u>29</u> Motion Miscellaneous Relief, filed by Cross-Claimant John Bryan,

		Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). (Attachments: # <u>1</u> Declaration # <u>2</u> Certificate of Service) (St. James, Michael) (Entered: 02/13/2007)
02/13/2007	<u>31</u>	Notice of Hearing on <i>Motion for Order Shortening Time and re: Certification Motion</i> (RE: related document(s) <u>30</u> Motion to Shorten Time,, filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust, <u>29</u> Motion Miscellaneous Relief, filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). Hearing scheduled for 2/14/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust. (St. James, Michael) (Entered: 02/13/2007)
02/16/2007	<u>32</u>	Answer to Crossclaim of <i>John M. Bryan</i> Filed by Devinder Sidhu, Kulwinder S. Sidhu. (Attachments: # <u>1</u> Certificate of Service)(Smith, Wendy) (Entered: 02/16/2007)
02/16/2007	<u>33</u>	<i>Motion to Certify Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy Local Rule 9015-2</i> Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust. (Attachments: # <u>1</u> Memorandum of Points and Authorities In Support of Motion to Certify Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy Local Rule 9015-2) (Mitchell, Beth) (Registered Participant used the wrong event code. Document is a notice of motion, not a motion. Court staff has set for hearing.) Modified on 2/21/2007 (ds,). (Entered: 02/16/2007)
02/16/2007	<u>34</u>	Brief/Memorandum in Opposition to <i>Cross-Defendant Laminar Direct Capital's Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation, and Damages</i> (RE: related document(s) <u>19</u> Motion to Dismiss Adversary Proceeding). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Entered: 02/16/2007)

02/16/2007	<u>35</u>	Objection to <i>Laminar Direct Capital, L.P.'s Request for Judicial Notice</i> (RE: related document(s) <u>21</u> Request To Take Judicial Notice,). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Entered: 02/16/2007)
02/16/2007	<u>36</u>	Certificate of Service Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Document not linked to the documents that were served. Court staff has created links.) Modified on 2/21/2007 (ds,). (Entered: 02/16/2007)
02/16/2007		Hearing Set On (RE: related document(s) <u>33</u> Motion to Certify Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy Local Rule 9015-2 , filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). Hearing scheduled for 2/23/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. (ds,) (Entered: 02/21/2007)
02/20/2007	<u>37</u>	Order (RE: related document(s) <u>26</u> Stipulation Extending Time Within Which to Respond to Cross-Claim, filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross Defendant Kulwinder S. Sidhu, Defendant Kulwinder S. Sidhu, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross Defendant Devinder Sidhu, Defendant Devinder Sidhu, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). (ds,)(This order was originally docketed incorrectly by the clerk. It was linked to the wrong stipulation. It has now been corrected and is linked to the correct stipulation (document #38).) Modified on 2/22/2007 (ds,). (Entered: 02/20/2007)
02/21/2007	<u>38</u>	Stipulation Extending Time for Response to Cross Claims Filed by Defendant Harry Chew. (Golubow, Richard) (Document contains a certificate of service.) Modified on 2/22/2007 (ds,). (Entered: 02/21/2007)
02/21/2007	<u>39</u>	Document: <i>Errata</i> . (RE: related document(s) <u>28</u> Answer to Complaint). Filed by Defendants Devinder Sidhu, Kulwinder S. Sidhu (Attachments: # <u>1</u> Certificate of Service) (Smith, Wendy) (Entered: 02/21/2007)

02/22/2007	<u>40</u>	Response to <i>Motion to Certify Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy Local Rule 9015-2</i> (RE: related document(s) <u>33</u> <i>Motion Miscellaneous Relief,,</i>). Filed by Defendant Laminar Direct Capital, L.P. (Pozmantier, Courtney) (Entered: 02/22/2007)
02/22/2007	<u>41</u>	Answer to Crossclaim <i>Answer of Cross Defendants Harry Chew, Pacific Paragon Investment Fund, Ltd. and AIC Capital Partners, LLC to Cross Claim Filed by John M. Bryan, John M. Bryan and Florence E. Bryan Trust and J.M. Bryan Trust; Demand for Jury Trial</i> Filed by Harry Chew. (Golubow, Richard)(With Certificate of Service) Modified on 2/23/2007 (ds,). (Registered Participant did not select all of the document filers. Court staff has corrected.) Modified on 2/23/2007 (ds,). (Entered: 02/22/2007)
02/22/2007	<u>42</u>	Request for Notice Filed by Debtor The Legacy Estate Group LLC (Attachments: # <u>1</u> Certificate of Service) (Murray, John) (Entered: 02/22/2007)
02/22/2007	<u>43</u>	Notice Regarding <i>Official Committee of Unsecured Creditors' Notice of Withdrawal of Demand for Jury Trial</i> (RE: related document(s) <u>2</u> Amended Complaint, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (Attachments: # <u>1</u> Certificate of Service) (Lee, Brian) (Entered: 02/22/2007)
02/22/2007	<u>44</u>	Objection <i>Official Committee of Unsecured Creditors' Opposition to Bryan Defendants' Motion to Certify Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy Local Rule 9015-2</i> (RE: related document(s) <u>33</u> <i>Motion Miscellaneous Relief,,</i>). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Attachments: # <u>1</u> Declaration of John H. MacConaghy in Support# <u>2</u> Certificate of Service) (Lee, Brian) (Entered: 02/22/2007)
02/23/2007	<u>45</u>	Reply to <i>Cross-Claimants' Opposition to Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages</i> (RE: related document(s) <u>19</u> <i>Motion to Dismiss Adversary Proceeding, 34</i> <i>Opposition Brief/Memorandum,</i>). Filed by Defendant Laminar Direct Capital, L.P. (Pozmantier, Courtney) (Entered: 02/23/2007)
02/23/2007		Hearing Continued (RE: related document(s) <u>33</u> <i>Motion to Certify Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy</i>

		Local Rule 9015-2 Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, <u>19</u> Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages" Filed by Defendant Laminar Direct Capital, L.P. Hearing to be held on 3/14/2007 at 10:00 AM Santa Rosa Courtroom (ta,) (Entered: 02/23/2007)
03/01/2007	<u>46</u>	Notice of Continued Hearing <i>Notice of Initial Scheduling Conference</i> (RE: related document(s) <u>2</u> Amended Complaint, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC, <u>12</u> Summons Issued). Status Conference to be held on 4/30/2007 at 2:00 PM Santa Rosa Courtroom - Jaroslovsky for <u>12</u> , Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (Attachments: # <u>1</u> Certificate of Service) (Lee, Brian) (Entered: 03/01/2007)
03/06/2007	<u>47</u>	Transcript, Date of Hearing: Feb. 23, 2007 <i>motion to certify proceeding to district court for trial by jury.</i> (Palmer, Susan) Additional attachment(s) added on 3/6/2007 (kl,). (Entered: 03/06/2007)
03/08/2007	<u>48</u>	Supplemental Brief/Memorandum in support of (RE: related document(s) <u>43</u> Notice,). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Attachments: # <u>1</u> Certificate of Service) (Lee, Brian) (Entered: 03/08/2007)
03/12/2007	<u>49</u>	Supplemental Document <i>SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO CERTIFY PROCEEDING TO DISTRICT COURT FOR TRIAL BY JURY PURSUANT TO BANKRUPTCY LOCAL RULE 9015-2</i> in Support (RE: related document(s) <u>33</u> Motion Miscellaneous Relief,). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Attachments: # <u>1</u> Declaration Declaration of John M. Bryan (with Exhibits) in support of Supplemental Brief re Certification to the District Court for Jury Trial.pdf) (Mitchell, Beth) (Entered: 03/12/2007)
03/14/2007		Hearing Held (RE: related document(s) <u>29</u> Motion to Certify Proceeding to District Court for Trial by Jury filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). (After hearing, matter submitted. Appearance: Michael St. James) (ds,) (Entered: 03/14/2007)

03/14/2007		Hearing Continued (RE: related document(s) <u>19</u> Motion to Dismiss Adversary Proceeding filed by Defendant Laminar Direct Capital, L.P.). Hearing to be held on 4/6/2007 at 10:00 AM Santa Rosa Courtroom - Jaroslovsky for <u>19</u> , (ds,) (Entered: 03/14/2007)
03/27/2007	<u>50</u>	Transcript, Date of Hearing: 3-14-071) <i>Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages; 2) Motion to Certify Proceeding to District Court for Trial by Jury.</i> (McCall, Jo) (Entered: 03/27/2007)
03/27/2007	<u>51</u>	Substitution of Attorney . Attorney Roya Shakoori and Wendy W. Smith terminated. Filed by Defendants Devinder Sidhu, Kulwinder S. Sidhu, Cross Defendants Devinder Sidhu, Kulwinder S. Sidhu (Smith, Wendy) (Entered: 03/27/2007)
03/28/2007	<u>52</u>	Certificate of Service (RE: related document(s) <u>51</u> Substitution of Attorney). Filed by Defendants Devinder Sidhu, Kulwinder S. Sidhu, Cross Defendants Devinder Sidhu, Kulwinder S. Sidhu (Smith, Wendy) (Document does not comply with signature requirement. The declarant is not the same person who signed the document.) Modified on 3/29/2007 (ds,). (Entered: 03/28/2007)
03/28/2007	<u>53</u>	Memorandum re Motion to Certify Case to District Court for Jury Trial. (dp) (Entered: 03/28/2007)
03/29/2007		**NOTICE OF DEFECTIVE ENTRY** (RE: related document(s) <u>51</u> Substitution of Attorney). (Document is not a substitution of attorney. Document is a certificate of service. Registered Participant must file an amended substitution of attorney.) (ds,) (Entered: 03/29/2007)
03/29/2007	<u>54</u>	Amended Substitution of Attorney . Filed by Defendants Devinder Sidhu, Kulwinder S. Sidhu, Cross Defendants Devinder Sidhu, Kulwinder S. Sidhu (Smith, Wendy) Modified on 3/30/2007 (ds,). (Entered: 03/29/2007)
04/06/2007		Hearing Continued (RE: related document(s) <u>19</u> "Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages" Filed by Defendant Laminar Direct Capital, L.P.. Hearing to be held on 4/13/2007 at 10:00 AM Santa Rosa Courtroom (ta,) (Entered: 04/10/2007)
04/13/2007		Hearing Continued (RE: related document(s) <u>19</u> "Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages" Filed by Defendant Laminar Direct

		Capital, L.P.. Hearing to be held on 4/27/2007 at 10:00 AM Santa Rosa Courtroom (ta,) (Entered: 04/16/2007)
04/26/2007	<u>55</u>	Notice Regarding <i>Non-Appearance</i> (RE: related document(s) <u>46</u> Notice of Continued Hearing, filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust. (Mitchell, Beth) (Entered: 04/26/2007)
04/26/2007	<u>56</u>	Request for Hearing Regarding <i>Status Report; Joint Request for Continuance of Initial Scheduling Conference; Committee's Request for Hearing on Certification Issues</i> (RE: related document(s) <u>2</u> Amended Complaint,, <u>46</u> Notice of Continued Hearing,). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Attachments: # <u>1</u> Certificate of Service) (Blumenstiel, Hannah) (Entered: 04/26/2007)
04/27/2007	<u>57</u>	Notice of Continued Hearing of <i>Initial Scheduling Conference</i> (RE: related document(s) <u>12</u> Cross-Claim Summons Issued on Laminar Direct Capital, L.P. Answer Due 2/9/2007. Scheduling Conference to be held on 3/26/2007 at 02:00 PM at Santa Rosa Courtroom - Jaroslovsky. (ds,)), Status Conference to be held on 6/14/2007 at 2:00 PM Santa Rosa Courtroom - Jaroslovsky for <u>12</u> , Filed by Cross Defendant Harry Chew (Golubow, Richard) Modified on 5/3/2007 (Document incorrectly linked to summons. Court staff has created link to cross-claim.) (ds,). (Entered: 04/27/2007)
04/27/2007		Courtroom Hearing Continued (RE: Motion to Dismiss Adversary Proceeding - related document(s) <u>19</u>) (Continued to 5/11/2007 10:00 AM at Santa Rosa Courtroom - Jaroslovsky) (ds,) (Entered: 04/27/2007)
04/27/2007	<u>58</u>	Certificate of Service <i>re Notice of Non-Appearance</i> (RE: related document(s) <u>55</u> Notice,). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Entered: 04/27/2007)
04/30/2007		Hearing Continued (RE: related document(s) <u>1</u> SC/Adversary case 06-01173. 13 (Recovery of money/property - 548 fraudulent transfer), 14 (Recovery of money/property - other). Complaint by Official Committee of Unsecured Creditors of Legacy Estate Group LLC against John Bryan, John M. and Florence E. Bryan Trust, J.M. Bryan Family Trust, Kulwinder S. Sidhu, Devinder Sidhu, Pacific Paragon Investment Fund

		Ltd, Harry Chew, AIC Capital Partners LLC Status Conference to be held on 6/14/2007 at 2:00 PM Santa Rosa Courtroom (By conference call) (ta,) (Entered: 05/04/2007)
05/11/2007	<u>59</u>	Order of Abstention (RE: related document(s) <u>19</u> Motion to Dismiss Cross-Claim filed by Defendant Laminar Direct Capital, L.P.). (The court abstains from hearing the cross-claim against Laminar, and that the cross-complaint against Laminar is accordingly dismissed, without prejudice.) (ds,) (Entered: 05/11/2007)
05/11/2007		Hearing Held (RE: related document(s) <u>19</u> Motion to Dismiss Cross-Claim for Fraudulent Misrepresentation, Negligent Misrepresentation and Damages Filed by Defendant Laminar Direct Capital, L.P. (After Hearing; Matter submitted. Judge Jaroslovsky to prepare Order dismissing cross claim) (No appearances) (ta,) (Entered: 05/15/2007)
05/24/2007	<u>60</u>	Motion for Withdrawal of Reference Fee Amount \$150. Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust. (Attachments: # <u>1</u> Certificate of Service) (St. James, Michael) (Entered: 05/24/2007)
05/24/2007		Receipt of filing fee for Motion for Withdrawal of Reference(06-01173) [motion,mwdref] (150.00). Receipt number 4284317, amount \$ 150.00 (U.S. Treasury) (Entered: 05/24/2007)
05/24/2007	<u>61</u>	Memorandum of Points and Authorities in Support of <i>Defendants' Motion to Withdraw Reference</i> (RE: related document(s) <u>60</u> Motion for Withdrawal of Reference,). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (St. James, Michael) (Entered: 05/24/2007)
05/24/2007	<u>62</u>	Request To Take Judicial Notice <i>in Support of Defendants' Motion to Withdraw Reference</i> (RE: related document(s) <u>60</u> Motion for Withdrawal of Reference,). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7# <u>8</u> Exhibit 8) (St. James, Michael) (Entered: 05/24/2007)
05/24/2007	<u>63</u>	Declaration of John M. Bryan in Support of <i>Defendants' Motion to Withdraw Reference</i> (RE: related document(s) <u>60</u> Motion for Withdrawal

		of Reference,). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (St. James, Michael) (Entered: 05/24/2007)
05/30/2007	<u>64</u>	Transmittal of Motion to Withdraw Reference: . (RE: related document(s) <u>60</u> Motion for Withdrawal of Reference). Filed by Defendant John M. and Florence E. Bryan Trust, Cross-Claimant John M. and Florence E. Bryan Trust (ds,) (Entered: 05/30/2007)
06/07/2007	<u>66</u>	Return of Transmittal of Motion to Withdraw the Reference. District Court Case Number: C 07-2943. (RE: related document(s) <u>60</u> Motion for Withdrawal of Reference). (ds,) Additional attachment(s) added on 6/11/2007 (ds,). (Entered: 06/11/2007)
06/08/2007	<u>65</u>	Supplemental Notice Regarding <i>Telephonic Scheduling Conference</i> (RE: related document(s) Hearing Continued/Rescheduled (Adv), Hearing Continued/Rescheduled (Adv), Hearing Continued/Rescheduled (Adv)). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (MacConaghy, John) (Entered: 06/08/2007)
06/13/2007	<u>67</u>	Notice Regarding <i>NOTICE OF DISMISSAL WITH PREJUDICE OF CROSS-CLAIM FOR FRAUDULENT MISREPRESENTATION, NEGLIGENT MISREPRESENTATION AND DAMAGES</i> (RE: related document(s) <u>10</u> Answer to Complaint,, Crossclaim, filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust. (Mitchell, Beth) (Entered: 06/13/2007)
06/14/2007		Hearing Held (RE: related document(s) <u>2</u> Amended Complaint for Damages and Declaratory and Equitable Relief, Including Subordination of Certain Claims by Brian Y. Lee on behalf of Official Committee of Unsecured Creditors of Legacy Estate Group LLC against all defendants(After Hearing; 2 day trial set to begin November 13, 2007 at 9:00 A.M.; Discovery due by October 12, 2007 - Court to prepare order; Accounting and expert testimony to be by declaration 7 days prior to trial) (ta,) (Entered: 07/10/2007)
06/27/2007	<u>68</u>	Order Denying Motion to Certify Proceeding to District Court and Stricking Demand for Jury Trial as to Defendants John M. Bryan and the

		John M. Bryan Trust. (Related Doc # <u>33</u>) (kl,) (Entered: 06/27/2007)
06/27/2007	<u>69</u>	District Court Order Re: Report and Recommendation on Motion to Withdraw Bankruptcy Court's Reference (Related Doc # <u>60</u>) (The district court refers the motion to the bankruptcy court for a report and recommendation.) (With Certificate of Service) (ds,) (Entered: 06/28/2007)
06/28/2007	<u>70</u>	Bankruptcy Judge's Report and Recommendation Regarding Withdrawal of Reference. (dp) Modified on 7/10/2007 (ds,). Additional attachment(s) added on 8/8/2007 (ds,). (Entered: 06/28/2007)
07/10/2007	<u>71</u>	Scheduling Conference Order and Notice of Trial . Discovery due by 10/12/2007. Trial date set for 11/13/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. (Attachments: # <u>1</u> Certificate of Service) (ds,) (Entered: 07/10/2007)
08/13/2007	<u>72</u>	District Court Order RE: Stay; Administrative Closure (RE: related document(s) <u>60</u> Motion for Withdrawal of Reference filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). (The court stays this motion and case pending the bankruptcy court's resolution of the issue.) (ds,) (Entered: 08/23/2007)
09/03/2007	<u>73</u>	Notice of Hearing <i>Notice of Evidentiary Hearing on Motion to Certify Case to District Court for Jury Trial</i> (RE: related document(s) <u>33</u> Motion Miscellaneous Relief,, filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). Hearing scheduled for 9/27/2007 at 10:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (MacConaghy, John) (Entered: 09/03/2007)
09/19/2007	<u>74</u>	Motion for Summary Judgment <i>re Claims of Official Committee of Unsecured Creditors</i> Filed by Defendant Harry Chew. (O'Keefe, Sean) (Entered: 09/19/2007)
09/19/2007	<u>75</u>	Declaration of <i>Harry Chew</i> (RE: related document(s) <u>74</u> Motion for Summary Judgment/Adjudication). Filed by Defendant Harry Chew (Attachments: # <u>1</u> Exhibit One Chew Declaration# <u>2</u> Exhibit Two Chew

		<p>Declaration# <u>3</u> Exhibit Three Chew Declaration# <u>4</u> Exhibit Four Chew Declaration# <u>5</u> Exhibit Five Chew Declaration# <u>6</u> Exhibit 6 Chew Declaration# <u>7</u> Exhibit Seven Chew Declaration# <u>8</u> Exhibit Eight Chew Declaration# <u>9</u> Exhibit Nine Chew Declaration# <u>10</u> Exhibit Ten Chew Declaration# <u>11</u> Exhibit Eleven Chew Declaration# <u>12</u> Exhibit Twelve Chew Declaration# <u>13</u> Exhibit Thirteen Chew Declaration# <u>14</u> Exhibit Fourteen Chew Declaration# <u>15</u> Exhibit Fifteen Chew Declaration# <u>16</u> Exhibit Sixteen Chew Declaration# <u>17</u> Exhibit Seventeen Chew Declaration# <u>18</u> Exhibit Eighteen Chew Declaration# <u>19</u> Exhibit Nineteen Chew Declaration# <u>20</u> Exhibit Twenty Chew Declaration# <u>21</u> Exhibit Twenty-one Chew Declaration# <u>22</u> Exhibit Twenty-two Chew Declaration# <u>23</u> Exhibit Twenty-three Chew Declaration# <u>24</u> Exhibit Twenty-four Chew Declaration# <u>25</u> Exhibit Twenty-five Chew Declaration# <u>26</u> Exhibit Twenty-six Chew Declaration# <u>27</u> Exhibit Twenty-seven Chew Declaration# <u>28</u> Exhibit Twenty-seven Chew Declaration# <u>29</u> Exhibit Twenty-nine Chew Declaration# <u>30</u> Exhibit Thirty Chew Declaration# <u>31</u> Exhibit Thirty-one Chew Declaration# <u>32</u> Exhibit Thirty-two Chew Declaration# <u>33</u> Exhibit Thirty-three Chew Declaration) (O'Keefe, Sean) (Document is in support of document #79. Court staff has created link.) Modified on 9/21/2007 (ds,). (Entered: 09/19/2007)</p>
09/19/2007	<u>76</u>	<p>Statement of Undisputed Facts and Conclusions of Law (RE: related document(s)<u>74</u> Motion for Summary Judgment/Adjudication). Filed by Defendant Harry Chew (O'Keefe, Sean) (Entered: 09/19/2007)</p>
09/19/2007	<u>77</u>	<p>Request To Take Judicial Notice (RE: related document(s)<u>74</u> Motion for Summary Judgment/Adjudication). Filed by Defendant Harry Chew (Attachments: # <u>1</u> Exhibit One# <u>2</u> Exhibit Two# <u>3</u> Exhibit Three# <u>4</u> Exhibit Four# <u>5</u> Exhibit Five# <u>6</u> Exhibit Six) (O'Keefe, Sean) (Document is in support of document #79. Court staff has created link.) Modified on 9/21/2007 (ds,). Modified on 9/21/2007 (ds,). (Entered: 09/19/2007)</p>
09/19/2007	<u>78</u>	<p>Notice Regarding <i>Lodging of Deposition Transcript (Partial) of Calvin Sidhu</i> (RE: related document(s)<u>74</u> Motion for Summary Judgment/Adjudication filed by Cross Defendant Harry Chew, Defendant Harry Chew). Filed by Defendant Harry Chew. (Attachments: # <u>1</u> Exhibit One) (O'Keefe, Sean) (Document is in support of document #79. Court staff has created link.) Modified on 9/21/2007 (ds,). (Entered: 09/19/2007)</p>
09/19/2007	<u>79</u>	<p>Motion for Summary Judgment or Partial Adjudication of Facts re Cross Claims of John Bryan and Bryan Trusts Filed by Defendant</p>

		Pacific Paragon Investment Fund Ltd. (O'Keefe, Sean) (Entered: 09/19/2007)
09/19/2007	<u>80</u>	Statement of <i>Undisputed Facts and Conclusions of Law Filed By Cross Defendants AIC Capital Partners, LLC, Pacific Paragon Investment Fund Ltd. and Harry Chew</i> (RE: related document(s) <u>79</u> Motion for Summary Judgment/Adjudication). Filed by Cross Defendant Pacific Paragon Investment Fund Ltd (O'Keefe, Sean) (Entered: 09/19/2007)
09/19/2007	<u>81</u>	Declaration of <i>Sean A. O'Keefe In Support of Motions For Summary Judgment Filed By Defendants And Cross Defendants</i> (RE: related document(s) <u>79</u> Motion for Summary Judgment/Adjudication, <u>74</u> Motion for Summary Judgment/Adjudication). Filed by Cross Defendant Pacific Paragon Investment Fund Ltd (Attachments: # <u>1</u> Exhibit One) (O'Keefe, Sean) (Entered: 09/19/2007)
09/19/2007	<u>82</u>	Memorandum of Points and Authorities in Support of a <i>Judicial Determination that the John M. and Florence E. Bryan Trust Has Waived its Right to a Jury Trial</i> (RE: related document(s) <u>73</u> Notice of Hearing,,). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Blumenstiel, Hannah) (Document has been incorrectly linked. Document should be linked to document #33. Court staff has created new link.) Modified on 9/21/2007 (ds,). (Entered: 09/19/2007)
09/19/2007	<u>83</u>	Declaration of Kimberly S. Morris in Support of <i>Plaintiff's Brief in Support of a Judicial Determination that the John M. and Florence E. Bryan Trust Has Waived Its Right to a Jury Trial</i> (RE: related document(s) <u>82</u> Memo of Points & Authorities,). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C) (Blumenstiel, Hannah) (Entered: 09/19/2007)
09/19/2007	<u>84</u>	Certificate of Service (RE: related document(s) <u>82</u> Memo of Points & Authorities,, <u>83</u> Declaration,). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Blumenstiel, Hannah) (Entered: 09/19/2007)
09/19/2007		**NOTICE OF DEFECTIVE ENTRY** (RE: related document(s) <u>84</u> Certificate of Service). (Document is not properly captioned. Document does not have a case number or name of case.) (ds,) (Entered: 09/21/2007)
09/21/2007	<u>85</u>	Notice of Hearing <i>re Motion For Summary Judgment or Partial</i>

		<i>Ajudication of Facts Re Claims of Official Committee of Unsecured Creditors</i> (RE: related document(s) <u>74</u> Motion for Summary Judgment/Adjudication filed by Cross Defendant Harry Chew, Defendant Harry Chew). Hearing scheduled for 10/19/2007 at 10:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Defendant Harry Chew. (O'Keefe, Sean) (Entered: 09/21/2007)
09/21/2007	<u>86</u>	Notice of Hearing <i>re Motion for Summary Judgment or Partial Adjudication of Facts re Claims of Bryan and Bryan Trusts</i> (RE: related document(s) <u>79</u> Motion for Summary Judgment/Adjudication filed by Cross Defendant Pacific Paragon Investment Fund Ltd, Defendant Pacific Paragon Investment Fund Ltd). Hearing scheduled for 10/19/2007 at 10:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Cross Defendant Pacific Paragon Investment Fund Ltd. (O'Keefe, Sean) (Entered: 09/21/2007)
09/25/2007	<u>87</u>	Amended Certificate of Service (RE: related document(s) <u>84</u> Certificate of Service). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Blumenstiel, Hannah) (Entered: 09/25/2007)
09/25/2007	<u>88</u>	Memorandum of Points and Authorities in Opposition of <i>A JUDICIAL DETERMINATION THAT THE JOHN M. AND FLORENCE E. BRYAN TRUST HAS WAIVED ITS RIGHT TO A JURY TRIAL</i> . Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth)(Registered Participant did not link this document. Court staff has created link to document #33.) Modified on 9/28/2007 (ds,). (Entered: 09/25/2007)
09/25/2007	<u>89</u>	Notice Regarding <i>Notice to Appear at Trial in Lieu of Subpoena</i> (RE: related document(s) <u>53</u> Memorandum Decision, <u>68</u> Order on Motion for Miscellaneous Relief, <u>70</u> Order). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (MacConaghy, John) (Entered: 09/25/2007)
09/26/2007	<u>90</u>	Ex Parte Application for Order Shortening Time in Which to Serve Notice to Appear at Trial in Lieu of Subpoena Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (ds,) (Entered: 09/26/2007)
09/26/2007	<u>91</u>	Order Granting Ex Parte Application Shortening Time in Which to Serve Notice to Appear at Trial in Lieu of Subpoena (Related Doc # <u>90</u>) (ds,) (Entered: 09/26/2007)

09/26/2007	<u>92</u>	Objection To Defendant and Cross-Claimants' Use of Deposition Testimony At Evidentiary Hearing (RE: related document(s) <u>88</u> Memo of Points & Authorities,). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Blumenstiel, Hannah) (With Certificate of Service) Modified on 9/28/2007 (ds,). (Entered: 09/26/2007)
09/27/2007		Hearing Held (RE: related document(s) <u>33</u> Motion to Certify Proceeding to District Court for Trial by Jury Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (After Hearing; Matter submitted - Judge Jaroslovsky to prepare written decision within 10 days. Exhibit's 1-8 and deposition transcript Admitted) (Appearances: John MacConaghy, Jean Barnier and Glenn Westreich) (ta,) (Entered: 09/27/2007)
09/28/2007	<u>93</u>	Memorandum re Right to Jury Trial of Defendant. (RE: related document(s) <u>33</u> Motion to Certify Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy Local Rule 9015-2 filed by Cross-Claimant John Bryan, Defendant John Bryan, Cross-Claimant J.M. Bryan Family Trust, Defendant J.M. Bryan Family Trust, Cross-Claimant John M. and Florence E. Bryan Trust, Defendant John M. and Florence E. Bryan Trust). (lj,) (Entered: 09/28/2007)
10/01/2007	<u>94</u>	Order Denying Motion to Certify Case to District Court for Jury Trial and Striking Jury Demand (Related Doc # <u>29</u>) (ds,) (Entered: 10/01/2007)
10/04/2007	<u>95</u>	Motion for Summary Judgment <i>Against the John M. and Florence E. Bryan Trust and the J.M. Bryan Family Trust</i> Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (Blumenstiel, Hannah) (Entered: 10/04/2007)
10/04/2007	<u>96</u>	Memorandum of Points and Authorities in Support of <i>Plaintiff's Motion For Summary Judgment Against the John M. and Florence E. Bryan Trust and the J.M. Bryan Family Trust</i> (RE: related document(s) <u>95</u> Motion for Summary Judgment/Adjudication). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Blumenstiel, Hannah) (Entered: 10/04/2007)
10/04/2007	<u>97</u>	Declaration of Kimberly S. Morris in Support of <i>Plaintiff's Motion for Summary Judgment Against the John M. and Florence E. Bryan Trust and the J.M. Bryan Family Trust</i> (RE: related document(s) <u>95</u> Motion for Summary Judgment/Adjudication). Filed by Plaintiff Official Committee

		of Unsecured Creditors of Legacy Estate Group LLC (Attachments: # <u>1</u> Exhibit A & B To Declaration of Kimberly S. Morris# <u>2</u> Exhibit C & D To Declaration of Kimberly S. Morris# <u>3</u> Exhibit E & F To Declaration of Kimberly S. Morris# <u>4</u> Exhibit G & H To Declaration of Kimberly S. Morris# <u>5</u> Exhibit I & J to Declaration of Kimberly S. Morris# <u>6</u> Exhibit K & L To Declaration of Kimberly S. Morris# <u>7</u> Exhibit M & N To Declaration of Kimberly S. Morris# (8) Exhibit O & P To Declaration of Kimberly S. Morris# <u>9</u> Exhibit Q & R To Declaration of Kimberly S. Morris# <u>10</u> Exhibit S & T TO Declaration of Kimberly S. Morris) (Blumenstiel, Hannah) (Entered: 10/04/2007)
10/04/2007	<u>98</u>	Notice of Hearing <i>on Plaintiff's Motion for Summary Judgment Against the John M. and Florence E. Bryan Trust and the J.M. Bryan Family Trust</i> (RE: related document(s) <u>95</u> Motion for Summary Judgment/Adjudication filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC). Hearing scheduled for 11/2/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC. (Blumenstiel, Hannah) (Entered: 10/04/2007)
10/05/2007	<u>99</u>	Brief/Memorandum in Opposition to <i>Chew/AIC Motion for Summary Judgment</i> (RE: related document(s) <u>74</u> Motion for Summary Judgment/Adjudication). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Blumenstiel, Hannah) (Entered: 10/05/2007)
10/05/2007	<u>100</u>	Declaration of Hannah L. Blumenstiel in Support of <i>Committee's Opposition to Chew/AIC Motion for Summary Judgment</i> (RE: related document(s) <u>99</u> Opposition Brief/Memorandum,). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Attachments: # <u>1</u> Exhibit Exhibits A and B to Blumenstiel Declaration# <u>2</u> Exhibit Exhibits C and D to Blumenstiel Declaration# <u>3</u> Exhibit Exhibits E and F to Blumenstiel Declaration# <u>4</u> Exhibit Exhibits G and H to Blumenstiel Declaration# <u>5</u> Exhibit Exhibits I and J to Blumenstiel Declaration# <u>6</u> Exhibit Exhibits K and L to Blumenstiel Declaration# <u>7</u> Exhibit Exhibit M to Blumenstiel Declaration) (Blumenstiel, Hannah) (Entered: 10/05/2007)
10/05/2007	<u>101</u>	Request To Take Judicial Notice <i>in Support of Committee's Opposition to Chew/AIC Motion for Summary Judgment</i> (RE: related document(s) <u>99</u> Opposition Brief/Memorandum,). Filed by Plaintiff Official Committee of Unsecured Creditors of Legacy Estate Group LLC (Attachments: # <u>1</u> Exhibit Exhibits A and B to Committee Request for Judicial Notice# <u>2</u> Exhibit Exhibits C and D to Committee Request

		for Judicial Notice) (Blumenstiel, Hannah) (Entered: 10/05/2007)
10/05/2007	<u>102</u>	Opposition Brief/Memorandum in Opposition to <i>and Memorandum of Points and Authorities in Opposition to Cross Defendants Harry Chew, AIC Capital Partners, and Pacific Paragon Investment Fund, Ltd.'s Motion for Summary Judgment or Partial Adjudication of Facts Re Cross Claims of John M. Bryan and Bryan Trusts</i> (RE: related document(s) <u>79</u> Motion for Summary Judgment/Adjudication). Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Entered: 10/05/2007)
10/05/2007	<u>103</u>	Affidavit Re: <i>and in Support of Cross-Claimants' Opposition to Cross Defendants Harry Chew, AIC Capital Partners, LLC, and Pacific Paragon Investment Fund Ltd's Motion for Summary Judgment or Partial Adjudication of Facts Re Cross Claims of John M. Bryan and Bryan Trusts</i> . Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Attachments: # <u>1</u> Affidavit Exhibits A-E to Kolek Declaration# <u>2</u> Affidavit Exhibits E-H to Kolek Declaration) (Mitchell, Beth) (Entered: 10/05/2007)
10/05/2007	<u>104</u>	Affidavit Re: <i>John M. Bryan in Support of Cross-Claimants' Opposition to Cross Defendants Harry Chew, AIC Capital Partners, LLC, and Paragon Pacific Investment Fund, Ltd's Motion for Summary Judgment or Partial Adjudication of Facts Re Cross Claims of John M. Bryan and Bryan Trusts</i> . Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Entered: 10/05/2007)
10/05/2007	<u>105</u>	<i>Objection of Cross-Claimants to Evidence Submitted By Cross-Defendants Harry Chew, AIC Capital Partners, LLC, and Paragon Pacific Investment Fund, Ltd in Support of Motion for Summary Judgment or Partial Adjudication of Facts Re Cross Claims of John M. Bryan and Bryan Trusts</i> . Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Entered: 10/05/2007)
10/05/2007	<u>106</u>	Statement of (Separate) of Disputed and Undisputed Material Facts <i>and Additional Undisputed Material Facts in Opposition to Cross-</i>

		<i>Defendants Harry Chew, AIC Capital Partners, LLC, and Pacific Paragon Investment Fund Ltd's Motion for Summary Judgment or Partial Adjudication of Facts Re Cross Claims of John M. Bryan and Bryan Trusts.</i> Filed by Defendants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust, Cross-Claimants John Bryan, J.M. Bryan Family Trust, John M. and Florence E. Bryan Trust (Mitchell, Beth) (Entered: 10/05/2007)
10/12/2007	<u>107</u>	First Amended Notice of Hearing (RE: related document(s) <u>79</u> Motion for Summary Judgment/Adjudication filed by Cross Defendant Pacific Paragon Investment Fund Ltd, Defendant Pacific Paragon Investment Fund Ltd). Hearing scheduled for 10/19/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Cross Defendant Harry Chew. (O'Keefe, Sean) (Entered: 10/12/2007)
10/12/2007	<u>108</u>	First Amended Notice of Hearing (RE: related document(s) <u>74</u> Motion for Summary Judgment/Adjudication filed by Cross Defendant Harry Chew, Defendant Harry Chew). Hearing scheduled for 10/19/2007 at 09:00 AM at Santa Rosa Courtroom - Jaroslovsky. Filed by Defendant Harry Chew. (O'Keefe, Sean) (Entered: 10/12/2007)
10/12/2007	<u>109</u>	Reply to <i>Committee of Unsecured Creditors' s Opposition To Motion For Summary Judgment</i> (RE: related document(s) <u>74</u> Motion for Summary Judgment/Adjudication). Filed by Defendant Harry Chew (O'Keefe, Sean) (Entered: 10/12/2007)
10/12/2007	<u>110</u>	Reply to <i>Opposition To Motion For Summary Judgment re Cross Claims of Bryan Parties</i> (RE: related document(s) <u>79</u> Motion for Summary Judgment/Adjudication). Filed by Cross Defendant Harry Chew (O'Keefe, Sean) (Entered: 10/12/2007)

Exhibit

2

Entered on Docket

August 23, 2007

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

FILED

AUG 09 2007

RECEIVED

AUG 13 2007

UNITED STATES DISTRICT COURT

U.S. BANKRUPTCY COURT
SANTA ROSA, CA

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

16/11/07

In re THE LEGACY ESTATE GROUP,
LLC,

Debtor.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS,

Plaintiff,

v.

No. C 07-2943 PJH
Bankr. Case No. 05-14659 AJ
Adv. Case No. 06-1173 AJ**STAY ORDER; ADMINISTRATIVE
CLOSURE**JOHN M. BRYAN, JOHN M. AND
FLORENCE E. BRYAN TRUST, J.M.
BRYAN FAMILY TRUST, KULWINDER
SIDHU, DEVINDER SIDHU, PACIFIC
PARAGON INVESTMENT FUND LTD, a
British Columbia company, HARRY CHEW,
and AIC CAPITAL PARTNERS, LLC, a
California limited liability company,

Defendants,

JOHN M. BRYAN, JOHN M. AND
FLORENCE BRYAN TRUST, J.M.
BRYAN FAMILY TRUST,

Defendants/Cross-Claimants,

KULWINDER SIDHU, DEVINDER SIDHU,
PACIFIC PARAGON INVESTMENT FUND
LTD, a British Columbia company, HARRY
CHEW, AIC CAPITAL PARTNERS, LLC, a
California limited liability company, and
LAMINAR DIRECT CAPITAL, L.P., a
Texas limited partnership,

Defendants/Cross-Defendants.

FILEDAUG 13 2007
U.S. BANKRUPTCY COURT
SANTA ROSA, CA

1 On May 24, 2007, defendants and movants John M. Bryan ("Bryan"), John M. and
2 Florence E. Bryan Trust ("JFB Trust"), and J.M. Bryan Family Trust ("JMB Trust"), filed with
3 the bankruptcy court a motion to withdraw the bankruptcy court's reference, pursuant to 28
4 U.S.C. § 157(d) and Federal Rule of Bankruptcy Procedure ("FRBP") 5011. On June 6,
5 2007, the bankruptcy court transmitted the motion to this court pursuant to Rule 5011. On
6 June 29, 2007, the bankruptcy court submitted to this court a report and recommendation,
7 in which the bankruptcy court recommended that this court deny the motion to withdraw the
8 reference. Subsequently, the parties briefed the motion before this court.

9 Plaintiff, the official committee of unsecured creditors of the debtor Legacy Estate
10 Group, LLC ("committee"), 05-14659 AJ, filed the adversary proceeding, 06-1173 AJ,
11 giving rise to the instant motion, against a number of defendants/creditors, including Bryan,
12 the JMB Trust, and the JFB Trust, to recover estate property and damages. The first
13 amended complaint ("FAC") includes twenty claims, most of which seek relief under the
14 Bankruptcy Code, but a few which seek relief under state law as well.

15 Movants seek withdrawal of the reference to the bankruptcy court based on the JFB
16 Trust's right to a jury trial. The United States Supreme Court has held that the Seventh
17 Amendment entitles a person who has not submitted a claim against a bankruptcy estate
18 to a jury trial when sued by a bankruptcy trustee seeking monetary relief, even in core
19 proceedings under the Bankruptcy Code, such as fraudulent or preferential transfer
20 actions. *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33, 40 n.3, 50 (1989) (fraudulent
21 transfer case); *Langenkamp v. Culp*, 498 U.S. 42, 44 (1990) (preferential transfer case).
22 Unless all parties consent and the district court designates the bankruptcy court to do so,
23 the bankruptcy court may not conduct the jury trial. See § 157(e). However, a creditor
24 waives the jury trial right by filing a proof of claim in the bankruptcy case. See
25 *Granfinanciera*, 492 U.S. at 40; *Langenkamp*, 498 U.S. at 44.

26 The current motion appears to have been motivated by movants' dissatisfaction with
27 related rulings by the bankruptcy court. There is no dispute that Bryan and the JMB Trust
28

1 filed proofs of claims in the bankruptcy case. On March 28, 2007, the bankruptcy court
2 noted that was the case, and on June 27, 2007, struck Bryan and the JMB Trust's
3 demands for jury trial. Similarly, there is also no dispute that the JFB Trust did *not* file a
4 proof of claim. The dispute that has not been resolved, though, and that appeared to have
5 been imminent at the time movants filed the motion before this court, concerns whether or
6 not Bryan and the JMB Trust constituted alter egos for the JFB Trust, such that the filing of
7 Bryan's and the JMB Trust's proofs of claims waived the JFB Trust's jury trial right. In fact,
8 in its March 28, 2007 order, the bankruptcy court granted the parties leave to conduct
9 discovery on the issue, ordered the parties to submit supplemental briefs, and indicated
10 that it would hold an evidentiary hearing on the issue. However, given the instant motion to
11 withdraw its reference, the bankruptcy court did not resolve the issue.

12 Because that issue is central to this court's decision on the motion to withdraw the
13 reference, the court STAYS the instant motion pending resolution of the issue by the
14 bankruptcy court. The court notes that the bankruptcy court retains jurisdiction to decide
15 the issue in spite of the fact that the current motion to withdraw was filed. See Federal
16 Rule of Bankruptcy Procedure 5011(c) (noting that motion to withdraw reference does not
17 stay proceedings before bankruptcy judge "except that the bankruptcy judge may stay, on
18 such terms and conditions as are proper, proceedings pending disposition of the motion").
19 Because of the size and complexity of the Chapter 11 bankruptcy case, the bankruptcy
20 court's familiarity with the case in general and with the very specific issue here, and the
21 impact on the bankruptcy estate, this issue is more appropriately determined by the
22 bankruptcy court. To the extent that the bankruptcy court decides that the JFB Trust does
23 indeed constitute an alter ego of Bryan and/or the JMB Trust, then JFB Trust, in addition to
24 Bryan and JMB Trust, will all have waived their jury trial right and the instant motion will be
25 mooted. However, to the extent the bankruptcy court determines otherwise, then this court
26 will rule on the motion to withdraw reference.


27 Accordingly, the court STAYS this motion and case pending the bankruptcy court's
28

1 resolution of the above issue. The parties are ORDERED to advise this court immediately
2 upon the bankruptcy court's ruling on the issue.

3 The clerk shall administratively close this case. The closure has no legal effect; it is
4 purely a statistical matter. The case will be reopened, the stay vacated, and further order
5 issued upon notification by the parties in accordance with the conditions set forth above.

6
7 **IT IS SO ORDERED.**

8
9 Dated: August 9, 2007

10 
11 PHYLIS J. HAMILTON
12 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE LEGACY ESTATE GROUP,
Debtor.

Case Number: CV07-02943 PJH

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 9, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

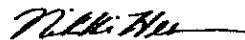
USBC Manager-Santa Rosa
U.S. Bankruptcy Court
99 South E Street
Santa Rosa, CA 95404

Alan Jaroslovsky
USBC
Northern District of California
Santa Rosa Division
99 South E Street
Santa Rosa, CA 95404

Devinder Sidhu
P.O. Box 401
3022 St. Helena Highway North
St. Helena, CA 94574

Kulwinder S. Sidhu
P.O. Box 401
St. Helena, CA 94574

Dated: August 9, 2007



Richard W. Wieking, Clerk
By: Nichole Heuerman, Deputy Clerk

Exhibit

3

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10 Attorneys for Plaintiff
 OFFICIAL COMMITTEE OF UNSECURED CREDITORS

11
 12 UNITED STATES BANKRUPTCY COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14

15 In re)
)
 16 THE LEGACY ESTATE GROUP, LLC,)
 a California limited liability company, etc.)
 17)
 Debtor.)
 18)

Case No. 05-14659
 (Chapter 11)

19 OFFICIAL COMMITTEE OF)
 UNSECURED CREDITORS OF THE)
 20 ESTATE OF THE LEGACY ESTATE)
 GROUP, LLC,)

Adv. Proc. No. 06-1173

21 Plaintiff,)

**NOTICE OF EVIDENTIARY
 HEARING ON MOTION TO
 CERTIFY CASE TO DISTRICT
 COURT FOR JURY TRIAL**

22 v)

Date: 9/27/2007
 Time: 10:00 a.m.
 Santa Rosa Courtroom

23 JOHN M. BRYAN, et al,)

24 Defendants.)

25 AND RELATED CROSS-CLAIM)

26)

1 **NOTICE IS HEREBY GIVEN** that on **September 27, 2007 at 10:00 a.m.**, in the
2 courtroom of the Hon. Alan Jaroslovsky, United States Bankruptcy Court, 99 South E. St. Santa
3 Rosa, CA, an evidentiary hearing will be held on the Motion to Certify Case to District Court for
4 Jury Trial as to the Defendant John and Florence Bryan Trust. This hearing is held pursuant to
5 that certain "Memorandum re Motion to Certify Case to District Court for Jury Trial" entered by
6 this Court on March 28, 2007.

7 Dated: September 3, 2007

Winston & Strawn, LLP

8 and

9 MacConaghy & Barnier, PLC

10
11 /s/ John H. MacConaghy

12 John H. MacConaghy
13 Attorneys for Plaintiff
14
15
16
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26

Exhibit

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Co-Counsel for Plaintiff, The Official Committee of
Unsecured Creditors

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

THE LEGACY ESTATE GROUP, LLC, a
California Limited Liability Company, formerly
doing business as FREEMARK ABBEY WINERY,
BYRON VINEYARD & WINERY, AND
ARROWOOD VINEYARD & WINERY,

Debtor.

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE LEGACY ESTATE
GROUP, LLC,

Plaintiff,

v.

JOHN M. BRYAN, JOHN M. AND FLORENCE
E. BRYAN TRUST, J.M. BRYAN FAMILY
TRUST, KULWINDER SIDHU, DEVINDER
SIDHU, PACIFIC PARAGON INVESTMENT
FUND LTD., a British Columbia company,
HARRY CHEW, and AIC CAPITAL PARTNERS,
LLC, a California limited liability company,

Defendants.

Case No. 05-14659

Chapter 11

Adversary Proceeding No. 06-01173

**PLAINTIFF'S BRIEF IN SUPPORT OF A
JUDICIAL DETERMINATION THAT
THE JOHN M. AND FLORENCE E.
BRYAN TRUST HAS WAIVED ITS
RIGHT TO A JURY TRIAL**

**Hearing Date: September 27, 2007
Hearing Time: 10:00 a.m.
Santa Rosa Courtroom**

Hon. Alan Jaroslovsky

1 JOHN M. BRYAN, JOHN M. AND FLORENCE
2 E. BRYAN TRUST, J.M. BRYAN FAMILY
TRUST,

3 Defendants/Cross-Claimants,

4 v.

5 KULWINDER SIDHU, et al.,

6 Defendants/Cross-Defendants.
7

8 The Official Committee of Unsecured Creditors ("Committee") appointed in the Chapter 11
9 case of The Legacy Estate Group LLC ("Legacy") submits this brief in support of a judicial
10 determination that defendant The John M. and Florence E. Bryan Trust ("JFB Trust") has waived its
11 right to a jury trial.

12 **I. Summary of Argument**

13 A creditor who files a claim against a bankruptcy estate submits to the equitable jurisdiction
14 of the bankruptcy court and relinquishes any right to a jury trial. *Langenkamp v. Culp*, 498 U.S. 42,
15 44-45 (1990); *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33, 58-59 (1988); *Katchen v. Landy*, 382
16 U.S. 323, 336 (1966). Accordingly, this Court has stricken the jury trial demands of John M. Bryan
17 ("Mr. Bryan") and the J.M. Bryan Family Trust, both of which asserted claims against the Legacy
18 bankruptcy estate. Order Denying Motion to Certify to District Court and Striking Demand for Jury
19 Trial as to Defendants John M. Bryan and the John M. Bryan Family Trust, dated June 27, 2007.
20 Although the JFB Trust has not explicitly asserted a claim against Legacy, the JFB Trust is the alter
21 ego of Mr. Bryan as a matter of law. Because this court has already determined that Mr. Bryan
22 waived his right to a jury trial, the same conclusion applies to the JFB Trust.

23 The JFB Trust is a revocable trust, of which Mr. Bryan is the primary settlor, trustee, and
24 beneficiary.¹ See John M. and Florence E. Bryan Trust Amended and Restated Trust Instrument
25 ("Trust Instrument"), attached as Exhibit A to the Morris Declaration In Support of Plaintiff's Brief

26
27 ¹ The Committee first became aware that the JFB Trust was a revocable trust on July 20, 2007, when
28 the Bryan Defendants disclosed that fact in related proceedings before the District Court. See Reply
Of Motion To Withdraw Reference at 5.

1 In Support Of A Judicial Determination That The John M. and Florence E. Bryan Trust Has Waived
 2 Its Right To A Jury Trial ("Morris Decl."). Under the California Probate Code, when a trust is
 3 revocable – that is, when a settlor retains the power to revoke the trust in whole or in part – the trust
 4 property remains subject to the claims of the settlor's own creditors, and the settlor also retains the
 5 power to enforce the rights of the trust, superseding any powers or rights of the named trustee and
 6 beneficiaries.

7 The Trust Instrument reserves to Mr. Bryan, as settlor, complete ownership and control of the
 8 JFB Trust property, and full power to enforce the rights of the JFB Trust. This fact alone establishes
 9 that the JFB Trust cannot assert a jury trial right, because Mr. Bryan, the settlor of that trust, waived
 10 his jury trial right.

11 Moreover, in deposition testimony in this action, Mr. Bryan has admitted that he established
 12 the JFB Trust solely for estate planning purposes in lieu of a will, and has always treated JFB Trust
 13 property as his own, without regard for the separate existence of the trust. The JFB Trust has waived
 14 any possible jury trial right as a matter of law.

15 **II. Factual Background**

16 John M. Bryan and Florence E. Bryan are the settlors of the JFB Trust. Morris Decl. Exhibit
 17 A, Trust Instrument at 1-1. John Bryan established the JFB Trust on August 19, 1991, in lieu of a
 18 will, to dispose of his estate and to "simplify an estate settlement." John Bryan Deposition
 19 Transcript ("J. Bryan Dep. Trans.") at 38:11-14, attached as Exhibit B to the Morris Decl.; *see also*
 20 Morris Decl. Exhibit A, Trust Instrument at 1-1. In establishing the JFB Trust, Mr. Bryan conveyed
 21 to the trust all of the assets and property that he owned at that time. Morris Decl. Exhibit A, Trust
 22 Instrument at 1-2. The JFB Trust is a "present interest trust" that holds substantially all of Mr.
 23 Bryan's personal assets, including his personal residences. Morris Decl. Exhibit B, J. Bryan Dep.
 24 Trans. at 30:8-10. In fact, Mr. Bryan is not aware of *any* assets belonging to him that are not held in
 25 the JFB Trust. *Id.* at 31:14-17.

26 Under the express terms of the Trust Instrument, John or Florence Bryan, acting alone or
 27 together, can revoke the trust at any time and receive all remaining trust property from the trustees.
 28 Morris Decl. Exhibit A, Trust Instrument at 2-1. John Bryan is also a trustee of the JFB Trust, with

the power to "manage the trust assets acting alone." *Id.* at 7-4.² Despite the fact that the JFB Trust holds substantially all of Mr. Bryan's property interests, Mr. Bryan admits that he did not read nor have knowledge of the Trust Instrument terms, and used the assets in the JFB Trust in the same manner as he would have had the assets not been subject to the trust. Morris Decl. Exhibit B, J. Bryan Dep. Trans. at 33:2-6, 42:24-43:1.

Prior to the March 2005 leveraged buyout transaction ("LBO transaction") at issue in this action, the JFB Trust, at Mr. Bryan's direction, held Legacy membership interests as trust property. See First Amended Complaint for Damages and Declaratory and Equitable Relief, Including Subordination Of Certain Claims, dated November 22, 2006 ("First Amended Complaint") at ¶ 8; Answer of Defendants John M. Bryan, John M. and Florence E Bryan Trust, J.M. Bryan Family Trust To Plaintiff's First Amended Complaint, dated January 5, 2007 ("Bryan Answer") at ¶ 8. In March 2005, the JFB Trust, at Mr. Bryan's direction, sold that trust property to Connaught. First Amended Complaint at ¶ 9; Bryan Answer at ¶ 9; see also Morris Decl. Exhibit B, J. Bryan Dep. Trans. at 149:16-150:14. In the LBO transaction, the JFB Trust received cash and an interest in a promissory note, which the Committee seeks to recover for the benefit of the estate. *Id.*

Mr. Bryan has directly and indirectly asserted numerous claims against the Legacy bankruptcy estate, several of which have already been paid by the Legacy estate. For example:

- Mr. Bryan signed and filed claim #126 in the stated amount of \$1,345,444.89, seeking retrospective indemnification for payments Mr. Bryan made under a guaranty issued to Red Barn Ranch in connection with the Red Barn grape purchase contract. Legacy has paid this claim in full, in cash, pursuant to orders of the Court.

- Mr. Bryan signed and filed claim #122 in the stated amount of \$20,181,673.85, seeking prospective indemnification with respect to the Red Barn Ranch guaranty. After mediation and approval of the settlement, Legacy paid the entire compromised amount of this claim in cash, with a \$750,000 payment to Red Barn.

²Although the JFB Trust has a nominal co-trustee, Alan R. Brudos (who works for Mr. Bryan), Mr. Bryan admits that Mr. Brudos would not make any decision with respect to the trust or its assets without first consulting with Mr. Bryan. Morris Decl. Exhibit B, J. Bryan Dep. Trans. at 43:13-17.

• Mr. Bryan signed and filed claim #145 on behalf of Sycamore Vineyards, a California general partnership ("Sycamore"), in the stated amount of \$497,115.08, for the purchase price of grapes delivered by Sycamore. Legacy has paid this claim in full, in cash, pursuant to orders of the Court.

Sycamore's general partners are John M. Bryan and Florence E. Bryan.³ Mr. Bryan's general partnership interests in Sycamore are held by the JFB Trust. Morris Decl. Exhibit B, J. Bryan Dep. Trans. at 30:8-10, 31:14-17.

Thus, Mr. Bryan has enjoyed substantial monetary benefits from his claims against Legacy, and so has the JFB Trust.

III. Argument

A. Mr. Bryan's Jury Trial Waiver Must Be Imputed To The JFB Trust Under California Probate Law

As its settlor, Mr. Bryan has complete control over the JFB Trust, and his conduct with respect to the Legacy bankruptcy estate binds the JFB Trust. California law allows courts to look beyond a trust to a settlor who retains the power to revoke the trust. California Probate Code § 15800 provides that the person holding the power to revoke a trust has the rights of beneficiaries under the Probate Code:

Except to the extent that the trust instrument otherwise provides or where the joint action of the settlor and all beneficiaries is required, during the time that a trust is revocable and the person holding the power to revoke the trust is competent:

- (a) The person holding the power to revoke, and not the beneficiary, has the rights afforded beneficiaries under this division.
- (b) The duties of the trustee are owed to the person holding the power to revoke.

³ Declaration of John M. Bryan in Support of Supplemental Brief to Certify Proceeding to District Court for Trial by Jury Pursuant to Bankruptcy Local Rule 9015-2 ("J. Bryan Declaration"), ¶ 2, attached as Exhibit C to the Morris Decl.; Sycamore Vineyards (Partnership Agreement) dated August 16, 1976, *passim*, attached to the J. Bryan Declaration as Exhibit A.

1 The Law Revision Commission Comments to Section 15800 state that this section "recognizes that
2 the holder of a power of revocation is in control of the trust." Among the rights afforded by statute
3 to trust beneficiaries, and therefore to settlors of revocable trusts, is the right to petition a court to
4 enforce "the existence or nonexistence of *any* immunity, power, privilege, duty or right." Cal. Prob.
5 Code § 17200(b)(2) (emphasis added). The right to preserve, enforce or waive a jury trial right on
6 behalf of the JFB Trust is thus among the rights held by Mr. Bryan, as settlor of the revocable JFB
7 Trust.

8 Furthermore, trust assets remain the property of the settlor, not the separate property of the
9 trust, for purposes of debtor-creditor relations. California Probate Code § 18200 provides: "If the
10 settlor retains the power to revoke the trust in whole or in part, the trust property is subject to the
11 claims of creditors of the settlor to the extent of the power of revocation during the lifetime of the
12 settlor."

13 California bankruptcy courts routinely apply sections 18200 and 15800 of the Probate Code
14 to find that the assets of revocable trusts constitute property of the settlor's bankruptcy estate under
15 11 U.S.C. § 541: "Under California law, when the settlor of a trust retains the power to revoke a
16 trust, the trust res remains the settlor's property subject to his creditor's claims." *In re Ralbert*
17 *Brooks-Hamilton v. City of Oakland (In re Brooks-Hamilton)*, 348 B.R. 512, 519 (Bankr. N.D.Cal.
18 2006); *Ohanian v. Irwin (In re Irwin)*, 338 B.R. 839, 852 (E.D. Cal. 2006) ("Debtor's interest as a
19 trustor and beneficiary under the Living Trust, among other things, all became property of the
20 bankruptcy estate pursuant to 11 U.S.C. § 541(a) upon the filing of Debtor's petition"). If the
21 Committee secures a judgment against Mr. Bryan in this action, the Committee may look to the
22 assets of the JFB Trust to satisfy that claim, because the JFB Trust is revocable and Mr. Bryan is its
23 settlor. For the same reason, any rights asserted or waived by Mr. Bryan in this action must be
24 considered in determining the rights of the trust, because there is no functional distinction between a
25 living settlor and his revocable trust as a matter of law.

26 In short, the Probate Code and applicable case law establish that a settlor retains all powers
27 and rights with respect to trust assets. Because Mr. Bryan waived his right to a jury trial by filing
28 claims against the Legacy bankruptcy estate, the JFB Trust has also waived any right to a jury trial.

1 B. The JFB Trust Is An Alter Ego Of John Bryan

2 In addressing California entities, federal courts enforce the alter ego principles of California
3 state law. *Wolfe v. U.S.*, 798 F.2d 1241, 1244 (9th Cir. 1986). An alter ego may be deemed to exist
4 when an entity is not, in fact, independent of an affiliated individual. *E.g., Cohen v. U.S.*, No. 96-
5 5880, 1998 WL 953979, at *6 (C.D.Cal. Mar. 9, 1998). The court will pierce the entity's veil, and
6 look behind its organizational form, if honoring the entity's separate existence would produce an
7 inequitable result. *Id.* The alter ego principle applies to trusts in the same manner as to
8 corporations. *Id.*; *see also Brownfield Investment Corp. v. U.S.*, No. 89-4257, 1992 WL 345665, at
9 *4 (N.D.Ca. June 29, 2002); *Morley v. Malouf*, 88 Cal. App. 2d 680 (1948). Where a trust is shown
10 to be the alter ego of an individual, the trust is not regarded a separate legal entity. *Cohen*, 1998 WL
11 953979, at *6.

12 The JFB Trust is the alter ego of Mr. Bryan as a matter of law. As settlor of the revocable
13 JFB Trust, Mr. Bryan exercises complete dominion and control over the trust and its assets. The
14 California Probate Code and related case law establish that the JFB Trust does not function as a
15 separate legal entity from Mr. Bryan during his lifetime. Not only is property of a revocable trust
16 deemed property of the settlor of that trust, but all rights under the Probate Code normally afforded
17 to beneficiaries of a trust are reserved for the person with the power to revoke the trust. *See*
18 California Probate Code § 15800 (granting the powers normally afforded to beneficiaries of a trust
19 under the Probate Code to the person holding the power to revoke the trust); California Probate Code
20 § 18200 (providing that trust property is subject to claims by creditors of the settlor of a revocable
21 trust).

22 Furthermore, Mr. Bryan has expressly admitted that he created the JFB Trust as a convenient
23 vehicle to hold assets, established in lieu of a will to dispose of his and his wife's property, and that
24 he has disregarded the existence of the JFB Trust in conducting his business affairs. Morris Decl.
25 Exhibit B, J. Bryan Dep. Trans. at 30:8-10; 33:2-6, 38:11-14, 42:24-43:1. Having structured the JFB
26 Trust to maintain complete control of its assets, and having ignored the separateness of the JFB
27 Trust, Mr. Bryan may not hide behind that entity to escape the jurisdiction of this court.
28

1 1. Elements of the Alter Ego Relationship

2 Under California law, the alter ego doctrine applies where (a) there is such a unity of interest
3 and ownership between an individual and a trust that the two do not function as separate entities, and
4 (b) honoring the trust's separate existence would lead to an inequitable result. *Cohen*, 1998 WL
5 953979, at *6. When an entity is used merely as an instrumentality through which an individual, for
6 convenience, conducts his affairs, the fiction of separateness need not be upheld if it would allow the
7 individual to evade the equitable consequences of his own conduct. *See Wilson v. Stearns, et al.*,
8 123 Cal. App. 2d 472, 486 (1954). Alter ego doctrine does not depend on any showing of fraudulent
9 or improper purpose. It is enough that recognizing the trust and the individual as separate entities
10 would result in injustice. *Id.* In such circumstances "all of the authorities, not only equity but the
11 law itself, would hold such a[n] [entity] bound as the [individual] might be bound, or conversely,
12 hold the [individual] bound by acts which bound his [entity]." *Ukegawa Brothers v. Agricultural*
13 *Labor Relations Board, et al.*, 212 Cal. App. 3d 1314, 1323 (1989).

14 2. The Settlor of a Revocable California Trust is the Alter Ego of the Trust

15 Under California law, the settlor of a revocable trust is the alter ego of the trust for debtor-
16 creditor purposes. *E.g., Cadle Company v. Harvey*, 83 Cal. App. 4th 927 (2000) (*held*, settlor's
17 guarantee of a loan to an inter vivos revocable trust was ineffective because the settlor and trust are
18 in fact one entity); *Torrey Pines Bank v. Hoffman*, 231 Cal. App. 3d 308, 316 (1991) (same; "these
19 [settlor] guarantors, as persons who created, administered and benefited from the trust, were the alter
20 ego of the trustees as principal obligors").

21 In *Cadle*, the court reviewed the enforceability of a loan guarantee signed by the settlor and
22 trustee of an inter vivos revocable trust. The trust itself was the primary obligor on the loan. The
23 court held that because the trust was revocable and thus remained under the complete control of the
24 settlor, the trust and the settlor were one and the same. *Cadle* at 932-33. Therefore, the lender's
25 ability to pursue the settlor-guarantor for a deficiency judgment must be assessed by treating the
26 settlor-guarantor as the primary debtor on the loan. Because the obligations of the trust, as principal
27 debtor, were limited by the state's anti-deficiency laws, the court held that the settlor was protected
28 by the same limitations. *Id.* Moreover, the settlor's purported waiver of anti-deficiency protections

1 was ineffective, because the settlor and the trust were one and the same, and the principal debtor (the
2 trust) could not waive those protections. *Id.* at 934.

3 The court in *Cadle* followed *Torrey Pines*, which also held that, because the trust was
4 revocable, "the individual [settlor] guarantors were alter egos of the trustees and principal obligors."
5 *Torrey Pines*, 231 Cal. App. 3d at 316. Notably, neither the *Cadle* nor the *Torrey Pines* decisions
6 even mentioned the sections of the Probate Code governing the settlor's control over property of a
7 revocable trust. The treatment of revocable trusts as functionally identical to the settlor of that trust
8 is so well established that it is reflected in debtor-creditor case law as well as decisions interpreting
9 the Probate Code.

10 Although in cases such as *Cadle* and *Torrey Pines* the alter ego principle protects both the
11 settlor and the trust by treating them as one, the same principle may expose the settlor to liability, as
12 in *In re Brooks-Hamilton*, 348 B.R. 512 (Bankr.N.D.Ca. 2006), and *In re Irwin*, 338 B.R. 839 (E.D.
13 Cal. 2006), discussed above. The settlor of a revocable trust must accept the burdens as well as the
14 benefits of retaining control over trust property. That rule binds Mr. Bryan and the JFB Trust here.

15
16 3. Mr. Bryan And The JFB Trust Are One and the Same Entity for Purposes of
17 This Court's Equitable Jurisdiction

18 There can be no doubt that the JFB Trust and Mr. Bryan share a unity of interest. Mr. Bryan
19 has testified under oath that the JFB Trust was established as a convenient way for Mr. Bryan to hold
20 assets during his lifetime, and that substantially all of his assets are held by the JFB Trust. Morris
21 Decl. Exhibit B, J. Bryan Dep. Trans. at 31:11-17, 38:11-17. Mr. Bryan continued to use and
22 manage the trust assets in the same way as if the assets were held in his name only, and did not even
23 read the Trust Instrument to see whether it affected the manner in which the JFB Trust was to be
24 managed. *Id.* at 33:2-6, 42:24-43:1, 45:12-15; *cf.* Morris Decl. Exhibit A, Trust Instrument at 3-1.⁴
25 Putting his property into the JFB Trust did not alter the manner in which Mr. Bryan used or viewed
26 his assets.

27
28 ⁴ Moreover, reinforcing his control over the trust and its assets, Mr. Bryan is not only the settlor of
the JFB Trust, but also its trustee. Morris Decl. Exhibit A, Trust Instrument at 1-1.

Even if Mr. Bryan had not made himself the trustee of JFB Trust, and granted himself broad powers under the Trust Instrument, Mr. Bryan and the JFB Trust do not function as separate entities as a matter of law, because the JFB Trust is revocable and Mr. Bryan is its settlor. California Probate Code §§ 15800, 18200 (the settlor of a revocable trust retains all rights with respect to the trust); *see also Cadle*, 83 Cal. App. 4th 927; *Torrey Pines*, 231 Cal. App. 3d 308. These incontestable facts, and the manner in which Mr. Bryan controls the trust, make it clear that Mr. Bryan regards the JFB Trust's assets and interests as his own. This Court should not treat the JFB Trust any differently than Mr. Bryan himself has done.

Further, treating the JFB Trust and Mr. Bryan as separate entities would lead to an inequitable result. By asserting claims against Legacy, Mr. Bryan waived his right to a jury trial, as did the J.M. Bryan Family Trust – for which Mr. Bryan is a beneficiary and trustee, and with which he shares a unity of interest.⁵ All of the other parties to this litigation have waived their jury trial rights or have not contested the jurisdiction of this Court. If the Court were to treat Mr. Bryan and the JFB Trust as wholly distinct entities, this entire adversary proceeding would be tried before this Court, except that the claims against the JFB Trust would be tried by a separate tribunal. Such a result would not only waste judicial resources, but would undermine the equitable jurisdiction of the bankruptcy court by forcing the parties to litigate the same issues against the same real party in interest, Mr. Bryan, in two separate forums. *See* California Probate Code § 18200 (stating that trust property held in a revocable trust is subject to the claims of the settlor's creditors so long as the settlor has the power to revoke).

The Legacy bankruptcy estate has paid several of Mr. Bryan's claims. All of those payments (including the recovery on the claim of Sycamore Vineyards) also benefited the JFB Trust because substantially all of Mr. Bryan's assets (including his general partnership interests in Sycamore Vineyards) are held in that trust.

⁵ As the Court is aware, the J.M. Bryan Family Trust (which has no jury trial right) and the JFB Trust (which asserts, but has not established, a jury trial right) were co-owners of Legacy equity interests and received the disputed proceeds from Legacy in the same way, in the same LBO Transaction. *See* First Amended Complaint at ¶ 9; Bryan Answer at ¶ 9.

1 Mr. Bryan and the JFB Trust share a unity of interest, and treating the two as separate entities
 2 would lead to an inequitable result. The JFB Trust therefore constitutes the alter ego of Mr. Bryan
 3 for purposes of this dispute. Mr. Bryan has waived his right to a jury trial, and his alter ego, the JFB
 4 Trust, is bound by that waiver. *See Ukegawa*, 212 Cal. App. 3d at 1323.

5
 6 **IV. Conclusion**

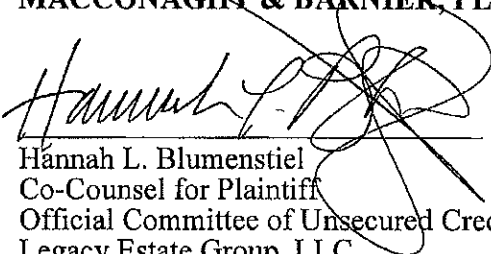
7 This Court should reject Mr. Bryan's jury trial demand on behalf of the JFB Trust, and
 8 prevent Mr. Bryan's effort to circumvent the Court's equitable jurisdiction over this claim and these
 9 claimants.

10
 11 Dated: September 19, 2007

WINSTON & STRAWN LLP

and

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